

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>ALICE KRAMER, as Personal Representative</b>	:	
<b>of the Estate of Arthur Kramer,</b>	:	
	:	<b>Case No.: 08 CV 2429-DAB-MHD</b>
	:	<b>Plaintiff,</b>
<b>—against—</b>	:	
	:	<b>ECF Case</b>
<b>LOCKWOOD PENSION SERVICES, INC.,</b>	:	
<b>ET AL.,</b>	:	
	:	<b>Defendants.</b>
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<b>PHOENIX LIFE INSURANCE CO.,</b>	:	
	:	
	:	<b>Third-Party</b>
	:	<b>Plaintiff,</b>
<b>—against—</b>	:	
	:	
<b>STEVEN LOCKWOOD,</b>	:	
	:	<b>Third-Party</b>
	:	<b>Defendant.</b>
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<b>LIFE PRODUCT CLEARING LLC, and</b>	:	
<b>JONATHAN S. BERCK</b>	:	
	:	
	:	<b>Third-Party</b>
	:	<b>Plaintiffs,</b>
<b>—against—</b>	:	
	:	
<b>LIZA KRAMER and ANDREW B. KRAMER,</b>	:	
	:	
	:	<b>Third-Party</b>
	:	<b>Defendants.</b>
	:	

**AFFIDAVIT OF ELIZABETH L. MCLACHLAN**

STATE OF PENNSYLVANIA      )  
                                    )      SS:  
COUNTY OF PHILADELPHIA      )

Elizabeth L. McLachlan, being duly sworn, affirms the following under penalties of perjury:

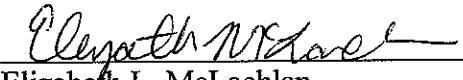
1. I am an associate of the law firm of Drinker Biddle & Reath LLP, attorneys for Defendant Lincoln Life & Annuity Company of New York in the above-captioned action, in which I have been admitted pro hac vice. I am familiar with all the facts and circumstances herein. I make this affidavit in support of the Memorandum of Law of Lincoln Life & Annuity Company of New York in Support of Its Motion to Dismiss the Cross-Claims of Defendant Jonathan S. Berck ("Lincoln's Memorandum of Law").

2. Attached as Exhibit 1 to Lincoln's Memorandum of Law are the unpublished cases cited therein in alphabetical order.

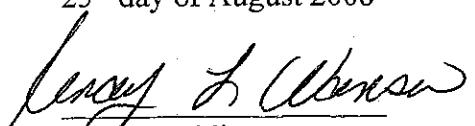
3. Attached as Exhibit 2 to Lincoln's Memorandum of Law is a true and correct copy of the Verified Complaint in the case of *Lincoln Life & Annuity Company of New York v. Lockwood Pension Services, Inc., et al.*, CV-08-501914-S (Conn. Super. Ct., Hartford J.D., filed April 16, 2008).

4. Attached as Exhibit 3 to Lincoln's Memorandum of Law is a true and correct copy of the Case History, in the case of *Lincoln Life & Annuity Company of New York v. Lockwood Pension Services, Inc., et al.*, CV-08-501914-S (Conn. Super. Ct., Hartford J.D., filed April 16, 2008), as of August 25, 2008, and as reflected on the State of Connecticut, Judicial Branch's webpage at <http://civilinquiry.jud.ct.gov/DispDetail.asp?DocNum=HHD-CV-08-5019142-S>.

Dated: August 25, 2008

  
Elizabeth L. McLachlan

Sworn to before me this  
25<sup>th</sup> day of August 2008

  
Renay L. Wanser  
Notary Public

